

2014 CIP Meeting
July 23, 2014
Cedar Shores Resort – Missouri Winds
Oacoma, SD
10:30 am – 2:30 pm (CT)

Attending: Judge Davis, LuAnn Van Hunnik, Vicki Burger, Dave Valandra, Susan Compaan, Tim Johns, Roxie Erickson, Corey Brubakken

UJS Staff: Sara Kelly

Absent: Judge Myren, Tony Benning, Virgena Wieseler, Sharon Kallemeyn, Amy Benda, Todd Schlekeway and Melody Schopp

Welcome:

The committee welcomed its newest member Representative Timothy Johns. Representative Johns represents District 30, in Lawrence County; he is an attorney in Lead, SD and retired from the judiciary after serving over 30 years on the bench.

Children's Justice Conference:

Sara Kelly reported on the upcoming conference, Save the Date postcards were mailed and an informational flyer was sent out electronically. Sara reported several email inquiries to the conference. The venue is secured at both Hilton Garden Inns (Rapid City and downtown Sioux Falls). The conference speakers are secured as well, Travis Lloyd (keynote) will also speak at the Young Voices meeting in Rapid City and Sioux Falls. Sara stated she will send an email to committee members for a sign up of duties for the conference (room attendant, handler, registration table etc). Hotel rooms are available for a state rate at the County Inn and Suites in both Rapid City and Sioux Falls. Both County Inn hotels are very close to the Hilton Garden Inns.

Sara stated there is an issue with the registration page of the conference website. Participants are able to register, but the registration isn't populating into the conference webmaster. The IT department is aware of this and is fixing it. Sara hopes to have good news regarding pulling registration information later today.

Case File Review Report:

Sara Kelly stated she identified an issue while conducting annual case file reviews. Clerk of Court offices reported they are not notified when children in foster care are adopted and can close A&N case. LuAnn Van Hunnik states she talked to Virgena Wieseler regarding this and copies of the consent to adopt could be sent to the clerk of court office and state's attorney's office. Tim Johns suggested a possible automatic terminate on cases after a case has no action over a certain period of time. Judge Davis stated his concern if a case actually needs a hearing and is auto terminated there is no report a clerk can run to know cases that need attention. Odyssey has several checks and balances in place before a case can statistically close, auto terminate may not be available in Odyssey for the juvenile case type. Judge Davis stated this could be a possible Supreme Court

Rule for the Motion and Order to Terminate/Close form is used on all child abuse and neglect cases. Judge Davis will speak to Suzy Starr-Kappes regarding this.

Green Book:

Sara Kelly reported the SD Guidelines for Child Abuse and Neglect Cases has been sent out to state's attorneys, circuit judges, chief court service officers, child protection state and local offices, public defender offices and CASA programs. Certified A&N attorneys received a letter stating it was available online or to request a hard copy. There was 800 printed and about 200 are stored at the warehouse in Pierre for future distribution. Sara stated she sent some to the state Tribal Relations office for distribution to tribal judges. Dave Valandra said he is sharing his with his tribal judge and said to mail the books to the ICWA directors and ask that they either share with the judge or ask for another copy. Sara stated she will follow up on that.

SB 154 – Jolene's Law:

Sara Kelly reminded the committee of the task force that was form in the 2014 Legislative Session and asked the committee if they want to let the task force know they are available for support or possible future support via CIP funds. Tim Johns suggested waiting until the task force comes up with any legislation that the committee would want to support. LuAnn Van Hunnik stated Virgena Wieseler is on the task force and they are scheduled to meet August 5. Sara stated she will talk to Virgena and ask her to be the voice of the CIP and report back to the CIP Committee of any projects or legislation the committee may want to support. Sara will contact the LRC and get the list of task force members and share the list with the committee.

CIP Data Grant – Family Visitation Center:

Sara Kelly reported the Sioux Falls Family Visitation Center (FVC) contact her regarding possible support, via CIP Data funds, to assist them with the purchase of a new case management system. The FVC submitted a proposal and Sara submitted summary outline of her question/answers with the director of the FVC. The committee discussed this is great length, Vicki Burger question the validity of the statistical numbers submitted on child abuse and neglect cases that the FVC supervised. Vicki commented that the numbers are going down for a variety of reasons and will continue to decline as the department moves towards the Family Group Decision Making model and working with families to keep children in their homes. Roxie Erickson commented it would be difficult to parse out the cases that are child abuse and neglect. Tim Johns recommended not to fund at this time. Dave Valandra motioned to deny the proposed request. Motion carried unanimously. Judge Davis asked Sara Kelly to draft a letter to the FVC of the decision.

Other business:

LuAnn brought to the committee's attention the department of social services – child protection services is completing its five year plan and preparing to submit it to the federal governing agency. One of the identified issues is timeliness to permanency and the goals are to reunify as soon as possible and not re-enter into foster care and/or keep

the children in the home. The department has identified a few reasons that impact this issue, they are:

- Children transferred to tribal court are placed back with parents and end up in state foster care.
- Judges rule against DSS recommendations and the children come back into foster care
- Difficulty finding permanent placement for older youth, sibling groups and medically needy children. There is a lack of foster homes and resource families

LuAnn mentioned the need for the court to hold the department accountable and at the permanency hearing to focus on what resources the department has tapped into, have they exhausted relative placement options and what is the concurrent plan. Roxie Erickson mentioned there are two parts to cases, the one prior to disposition when active efforts are to take place and after disposition when the case is being monitored. There was a general committee discussion on possibly looking into family court judges for the larger circuits to address the permanency issues better. A comment was made in the rural courts, judges are general jurisdiction and travel a many miles to hear court. It was suggested to have retired judges assist in this case type and give presiding judges more authority to make administrative decisions that affect their circuit. Another comment was a possible committee recommendation of a special master, similar to New Mexico. LuAnn stated the Casey Family is coming to South Dakota in August to present a proposal on establishing permanency round table discussion. This will be a meeting between the child welfare professionals and the child to brainstorm on removing the barriers to achieve permanency and develop an action plan. Roxie Erickson stated the Family Services Specialist (FSS) need to re-contact family members that could be potential permanent placement. LuAnn stated FSS are required to make contact with family members that haven't been ruled out before hearings.

Old Business:

Sara Kelly asked the committee if they still wanted to support legislation defining child advocacy centers. Sara gave an overview of the discussion that took place over a year ago regarding individuals opening up a business and calling themselves an advocacy center without the national certification and proper credentials. Sara stated she had met with Todd Schlekeway and Casey Murschel prior to Todd leaving the state senate to discuss possible legislation defining advocacy centers. Sara stated she can contact Casey to check on what has been done so far and what support she needs. Tim Johns recommend a state statute defining, with possible state government oversight and possibly DSS to write the rules and regulations. Corey Brubakken stated he is on the Child Advocacy Center board in Rapid City and will ask what has been developed or is in the works for a definition. LuAnn Van Hunnik stated DSS has MOUs with advocacy centers, but not sure if they have any governing powers. A comment/question was made regarding what the recourse is for those that open an advocacy center now and what it would be after it is defined in statute. A comment/recommendation was made that the person loses their license to practice if they are a licensed practitioner and if they continue they are then held in contempt. It was suggested that the Jolene's Law task force may make this recommendation and if so the CIP could be a supporter of that. Sara will follow up with

Casey Murschel on what/if she had continued to seek legislation and Virgena Wieseler to ask that she report to the CIP Committee on the task force efforts.

Next meeting:

The committee agreed to look at the last two weeks of October. Sara Kelly will send out a meeting wizard survey to set a date.